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UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/388,069 09/01/99 POLLARD

S

MM91/1121

EXAMINER

STEPHEN LEROY POLLARD
27703 ORTEGA 14
SAN JUAN CAPISTRANO, CA 92675

DANG, H

ART UNIT

PAPER NUMBER

2873

DATE MAILED:

11/21/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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O I P E J C 68
PATENTS TRADEMARKS

FEB 22 2001

Office Action Summary

JUN 29 2001

Application No.

1091388,069

Applicant(s)

Pollard, TECHNOLOGY

Examiner

Dani

Group Art Unit

2873

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The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address.

OCT 18 2001
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Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

Responsive to communication(s) filed on 9/1/99

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

Claim(s) 1-5 is/are pending in the application.

Of the above claim(s) 1-5 is/are withdrawn from consideration.

Claim(s) 1-5 is/are allowed.

Claim(s) 1-5 is/are rejected.

Claim(s) 1-5 is/are objected to.

Claim(s) 1-5 are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review PTO-948.

The proposed drawing correction, filed on _____ is: approved disapproved.

The drawing(s) filed on _____ is/are objected to by the Examiner.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been received.

received in Application No. (Series Code/Serial Number) _____

received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

Information Disclosure Statement(s), PTO-1449, Paper No(s). _____ Interview Summary, PTO-413

Notice of References Cited, PTO-892 Notice of Informal Patent Application, PTO-152

Notice of Draftsperson's Patent Drawing Review, PTO-948 Other _____

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Office Action Summary



Page 2

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Employ Services Of Attorney or Agent

1. An examination of this application reveals that applicant is unfamiliar with patent prosecuting procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skillful preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

Applicant is advised of the availability of the publication "Attorneys and Agents Registered to Practice Before the U.S. Patent and Trademark Office." This publication is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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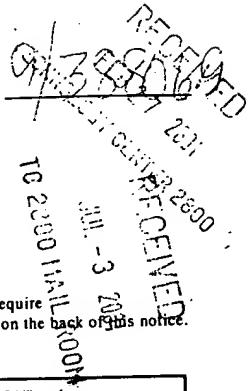
Arrangement Of Specification

2. This application is informal in the arrangement of the specification. The following guidelines illustrate the preferred layout and content for patent applications. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

The following order or arrangement is preferred in framing the specification and, except for the reference to "Microfiche Appendix" and the drawings, each of the lettered items should

SEARCHED
INDEXED
SERIALIZED
FILED
JUL 2 2001
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NOTICE OF DRAFTSPERSON'S PATENT DRAWING REVIEW

The drawing(s) filed (insert date) 9/1/99 are:

approved by the Draftsperson under 37 CFR 1.84 or 1.152.
 objected to by the Draftsperson under 37 CFR 1.84 or 1.152 for the reasons indicated below. The Examiner will require submission of new, corrected drawings when necessary. Corrected drawing must be submitted according to the instructions on the back of this notice.

DRAWINGS. 37 CFR 1.84(a): Acceptable categories of drawings:

Black ink. Color.
 Color drawings are not acceptable until petition is granted.

Fig(s) _____
 Pencil and non black ink not permitted. Fig(s) _____

PHOTOGRAPHS. 37 CFR 1.84 (b)

1 full-tone set is required. Fig(s) _____
 Photographs not properly mounted (must use bristol board or photographic double-weight paper). Fig(s) _____
 Poor quality (half-tone). Fig(s) _____

TYPE OF PAPER. 37 CFR 1.84(e)

Paper not flexible, strong, white, and durable.

Fig(s) _____
 Erasures, alterations, overwritings, interlineations, folds, copy machine marks not accepted. Fig(s) _____
 Mylar, velum paper is not acceptable (too thin). Fig(s) _____

SIZE OF PAPER. 37 CFR 1.84(f): Acceptable sizes:

21.0 cm by 29.7 cm (DIN size A4)
21.6 cm by 27.9 cm (8 1/2 x 11 inches)
 All drawing sheets not the same size.

Sheet(s) _____
 Drawings sheets not an acceptable size. Fig(s) _____

MARGINS. 37 CFR 1.84(g): Acceptable margins:

Top 2.5 cm Left 2.5cm Right 1.5 cm Bottom 1.0 cm
SIZE: A4 Size
Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm
SIZE: 8 1/2 x 11
 Margins not acceptable. Fig(s) _____
Top (T) _____ Left (L) _____
Right (R) _____ Bottom (B) _____

VIEWS. 37 CFR 1.84(h)

REMINDER: Specification may require revision to correspond to drawing changes.

Partial views. 37 CFR 1.84(h)(2)

Brackets needed to show figure as one entity.
Fig(s) _____
 Views not labeled separately or properly.
Fig(s) _____
 Enlarged view not labeled separately or properly.
Fig(s) _____

7. SECTIONAL VIEWS. 37 CFR 1.84 (h)(3)

Hatching not indicated for sectional portions of an object.
Fig(s) _____
 Sectional designation should be noted with Arabic or Roman numbers. Fig(s) _____

8. ARRANGEMENT OF VIEWS. 37 CFR 1.84(i)

Words do not appear on a horizontal, left-to-right fashion when page is either upright or turned so that the top becomes the right side, except for graphs. Fig(s) _____

9. SCALE. 37 CFR 1.84(k)

Scale not large enough to show mechanism without crowding when drawing is reduced in size to two-thirds in reproduction.

10. CHARACTER OF LINES, NUMBERS, & LETTERS. 37 CFR 1.84(i)

Lines, numbers & letters not uniformly thick and well defined, clean, durable, and black (poor line quality). Fig(s) _____

11. SHADING. 37 CFR 1.84(m)

Solid black areas pale. Fig(s) 618
 Solid black shading not permitted. Fig(s) _____
 Shade lines pale, rough and blurred. Fig(s) _____

12. NUMBERS, LETTERS, & REFERENCE CHARACTERS. 37 CFR 1.84(p)

Numbers and reference characters not plain and legible. Fig(s) _____
 Figure legends are poor. Fig(s) _____

Numbers and reference characters not oriented in the same direction as the view. 37 CFR 1.84(p)(1)

Fig(s) _____
 English alphabet not used. 37 CFR 1.84(p)(2)

Figs _____
 Numbers, letters and reference characters must be at least .32 cm (1/8 inch) in height. 37 CFR 1.84(p)(3)
Fig(s) _____

13. LEAD LINES. 37 CFR 1.84(q)

Lead lines cross each other. Fig(s) _____
 Lead lines missing. Fig(s) _____

14. NUMBERING OF SHEETS OF DRAWINGS. 37 CFR 1.84(l)

Sheets not numbered consecutively, and in Arabic numerals

beginning with number 1. Sheet(s) _____

15. NUMBERING OF VIEWS. 37 CFR 1.84(u)

Views not numbered consecutively, and in Arabic numerals, beginning with number 1. Fig(s) _____

16. CORRECTIONS. 37 CFR 1.84(w)

Corrections not made from prior PTO-948
dated _____

17. DESIGN DRAWINGS. 37 CFR 1.152

Surface shading shown not appropriate. Fig(s) _____
 Solid black shading not used for color contrast.
Fig(s) _____

COMMENTS

Legend title by (S1-8)

REVIEWER _____

DATE 12/15/00 TELEPHONE NO. 7033158404

ATTACHMENT TO PAPER NO. _____

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

1. Correction of Informalities--37 CFR 1.85

File new drawings with the changes incorporated therein. The application number or the title of the invention, inventor's name, docket number (if any), and the name and telephone number of a person to call if the Office is unable to match the drawings to the proper application, should be placed on the back of each sheet of drawings in accordance with 37 CFR 1.84(c). Applicant may delay filing of the new drawings until receipt of the Notice of Allowability (PTOL-37). Extensions of time may be obtained under the provisions of 37 CFR 1.136. The drawing should be filed as a separate paper with a transmittal letter addressed to the Drawing Processing Branch.

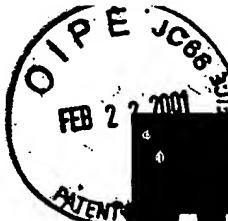
2. Timing for Corrections

Applicant is required to submit **acceptable** corrected drawings within the three-month shortened statutory period set in the Notice of Allowability (PTOL-37). If a correction is determined to be unacceptable by the Office, applicant must arrange to have acceptable corrections resubmitted within the original three-month period to avoid the necessity of obtaining an extension of time and paying the extension fee. Therefore, applicant should file corrected drawings as soon as possible.

Failure to take corrective action within set (or extended) period will result in **ABANDONMENT** of the Application.

3. Corrections other than Informalities Noted by the Drawing Review Branch on the Form PTO-948

All changes to the drawings, other than informalities noted by the Drawing Review Branch, **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.



A Brief Summary of Some Significant Rule Changes

*Unless otherwise specified in the rule, the effective date for the PBG-FINAL RULE is November 7, 2000.

Amendment Practice (37 CFR 1.121)•

- Specification/Claims
 - Amendment by paragraph replacement or rewritten claim in clean form
 - Marked-up version showing changes must be supplied

See § 1.121 Slides on PBG-FINAL RULE Webpage for suggested amendment FORMAT (Optional now; mandatory March 1, 2001)

Small Entity Status (37 CFR 1.27) - FORMS NO LONGER REQUIRED (Eff. Sept. 8, 2000):

- Mere written assertion (e.g., use check box on Application Transmittal Forms) is acceptable

Abstract and Title Length (37 CFR 1.72)

- Abstract now limited to 150 words (PBG)
- Title now limited to 500 characters (AIPA)

Application Data Sheet (ADS) (37 CFR 1.76) NEW

- Use of ADS encouraged for more accurate capture of bibliographic data. Data in ADS not needed in declaration.

After Allowance Practice (37 CFR 1.85(c) and 1.136)

- No extensions of time permitted to file corrected or formal drawings

Elimination of Issue Fee Preauthorizations (37 CFR 1.311)

- Preauthorizations prior to Notice of Allowance no longer permitted

Rocket Docket Established for Designs (37 CFR 1.155)

- Extra submissions plus \$900 fee is required

Proof of Authority of Legal Representative (37 CFR 1.44)

THIS RULE HAS BEEN DELETED. (Eff. Sept. 8, 2000):

- Oath/Dec. (§1.63) should identify legal rep for deceased/incapacitated inventor

Parts of Applications on CD-R or CD-ROM (37 CFR 1.52 (e), 1.58, 1.96 & 1.821)

- Large tables, computer program listings, and bio-sequences now allowed on CD

18 2001



Patent Business Goals Final Rule

65 Fed. Reg. 54604 (September 8, 2000)

1238 Off. Gaz. Pat. Office 77 (September 19, 2000)



USPTO's PBG-FINAL RULE webpage has helpful related information at one location:
<http://www.uspto.gov/web/offices/dcom/olia/pbg/index.html>

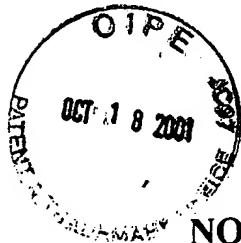
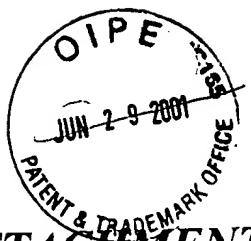
This site includes:
a Listing of Affected Rules,
Training & Implementation Materials including Training Slides, Q & A's, Summaries, Effective Date Chart, Forms Changed by Recent Rules, etc.

Contact:

Bob Spar (703) 308-5107 or
Hiram Bernstein (703) 305-8713
for any PBG Change.

Joe Narcavage (703) 305-1795
for 37 CFR 1.121
Amendment Practice Changes

Eugenia Jones (703) 306-5586
for 37 CFR 1.27 Small Entity Changes



ATTACHMENT TO AND MODIFICATION OF
NOTICE OF ALLOWABILITY (PTO-37)
(November, 2000)

**NO EXTENSIONS OF TIME ARE PERMITTED TO FILE
CORRECTED OR FORMAL DRAWINGS, OR A SUBSTITUTE
OATH OR DECLARATION, notwithstanding any indication to the
contrary in the attached Notice of Allowability (PTO-37).**

If the following language appears on the attached Notice of Allowability, the portion lined through below is of no force and effect and is to be ignored¹:

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" of this Office action. Failure to comply will result in ABANDONMENT of this application. ~~Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).~~

Similar language appearing in any attachments to the Notice of Allowability, such as in an Examiner's Amendment/Comment or in a Notice of Draftperson's Patent Drawing Review, PTO-948, is also to be ignored.

¹ The language which is crossed out is contrary to amended 37 CFR 1.85(c) and 1.136. See "Changes to Implement the Patent Business Goals", 65 Fed. Reg. 54603, 54629, 54641, 54670, 54674 (September 8, 2000), 1238 Off. Gaz. Pat. Office 77, 99, 110, 135, 139 (September 19, 2000).